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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/778,339	02/07/2001	Paul A. Merendino SR.	FIRE.P9910112	1466

7590

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EXAMINER

FERGUSON, MARISSA L

ART UNIT PAPER NUMBER

2855

DATE MAILED: 07/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/778,339

Applicant(s)

MERENDINO, PAUL A.

Examiner

Marissa L Ferguson

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bezek et al. (U.S. Patent 6,278,363) in view of Markow et al. (U.S. Patent 4,582,108). Bezek et al. teaches the invention as claimed, method of testing at tire comprising steps of taking tire related measurements (Abstract), maintaining pressure within tire (Abstract), compiling data from multiple test runs (Column 4, Lines 22-27, and references made throughout pattern of multiple steps), measuring tire pressure (12, Column 4, Lines 40-55), comparing/ adjusting tire pressure (26, Column 8, Lines 58-60). However, he does not explicitly disclose the motion detector that determines if the tire is at rest, solenoid valve, and plate with instrumentation.

Markow et al. discloses the motion detector that determines if the tire is at rest (9,143), solenoid valve (Column 4, Lines 44-47 and Column 5, Lines 45-50), and plate with instrumentation (64).

With respect to claim 4, the sensor compares and adjusts the mounting position, however it is obvious that any ordinary artisan skilled in the art can program the sensor to compare and adjust the tire pressure. Referring to claims

5-7,9, and 10, all the steps can be programmed to release gas at any given pressure. The method and steps are also conventional in the art.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device taught by Bezek et al. to include the elements taught by Markow et al. for the purpose of regulating the system for wheeled vehicles with pneumatic tires.

2. Claims 12-24 are rejected under 35 U.S.C. 103 (a) as being unpatentable over McGhee (U.S. Patent 5,505,080) in view of Winston et al. (U.S. Patent 5,472,032). McGhee teaches the invention as claimed, pressure controlling device comprising the tube (40,44), the valve (152,154,160), the pressure sensor (156,158,208,210,224), the controller (300), the solenoid valve (220, 222).

However, he does not explicitly disclose the gas source, which can be opened to introduce gas through the connection tube.

Winston et al. discloses the gas source, which can be opened to introduce gas through the connection tube (Abstract).

Referring to claims 13-17, it is obvious that any ordinary artisan skilled in the art can program the controller to open and close the valve to adjust the desired pressure.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device taught by to include the elements taught by Winston et al. for the purpose of maintaining a predetermined gas pressure within the tire.

### ***Response to Arguments***

3. Applicant's arguments filed 5/8/02 have been fully considered but they are not persuasive.

4. In response to applicant's argument noting that the method is directed towards a specific vehicle. The examiner notes that the claims do not specifically claim the method is in fact directed towards a specific vehicle. In particular, claim 1 simply states "A method of testing a tire comprising steps of", there is no mention of claiming to a specific vehicle.


5. In response to applicant's argument that the Bezek system does not compile "the data from multiple test runs" to "evaluate tire performance". The applicant does however note that the reference teaches notification of an underinflated tire condition. The examiner notices that in fact the underinflated tire condition corresponds to tire performance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa L Ferguson whose telephone number is 703-305-3194. The examiner can normally be reached on (M-F) 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin R Fuller can be reached on 703-308-0079.

Marissa L Ferguson  
Examiner  
Art Unit 2855

  
Benjamin R. Fuller  
Supervisory Patent Examiner  
Technology Center 2800

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July 15, 2002